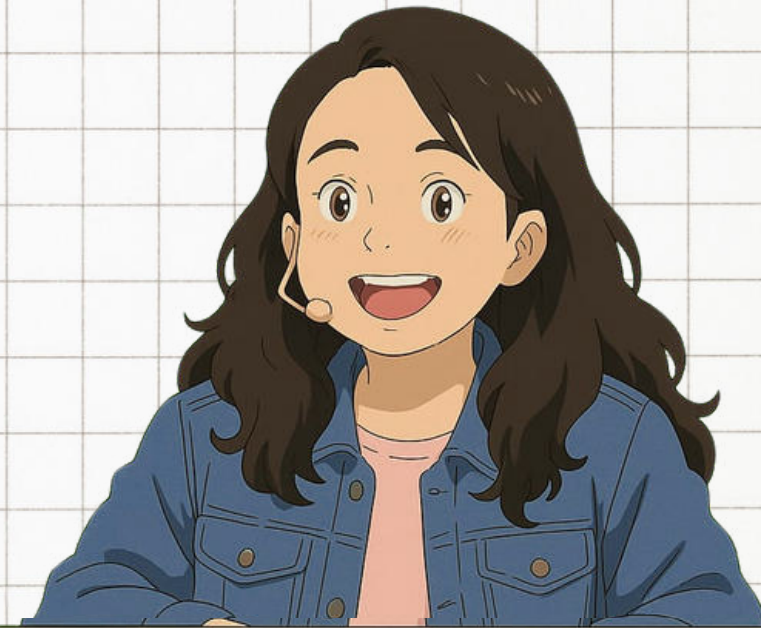


June 2025
Attempt

Chapter 07:

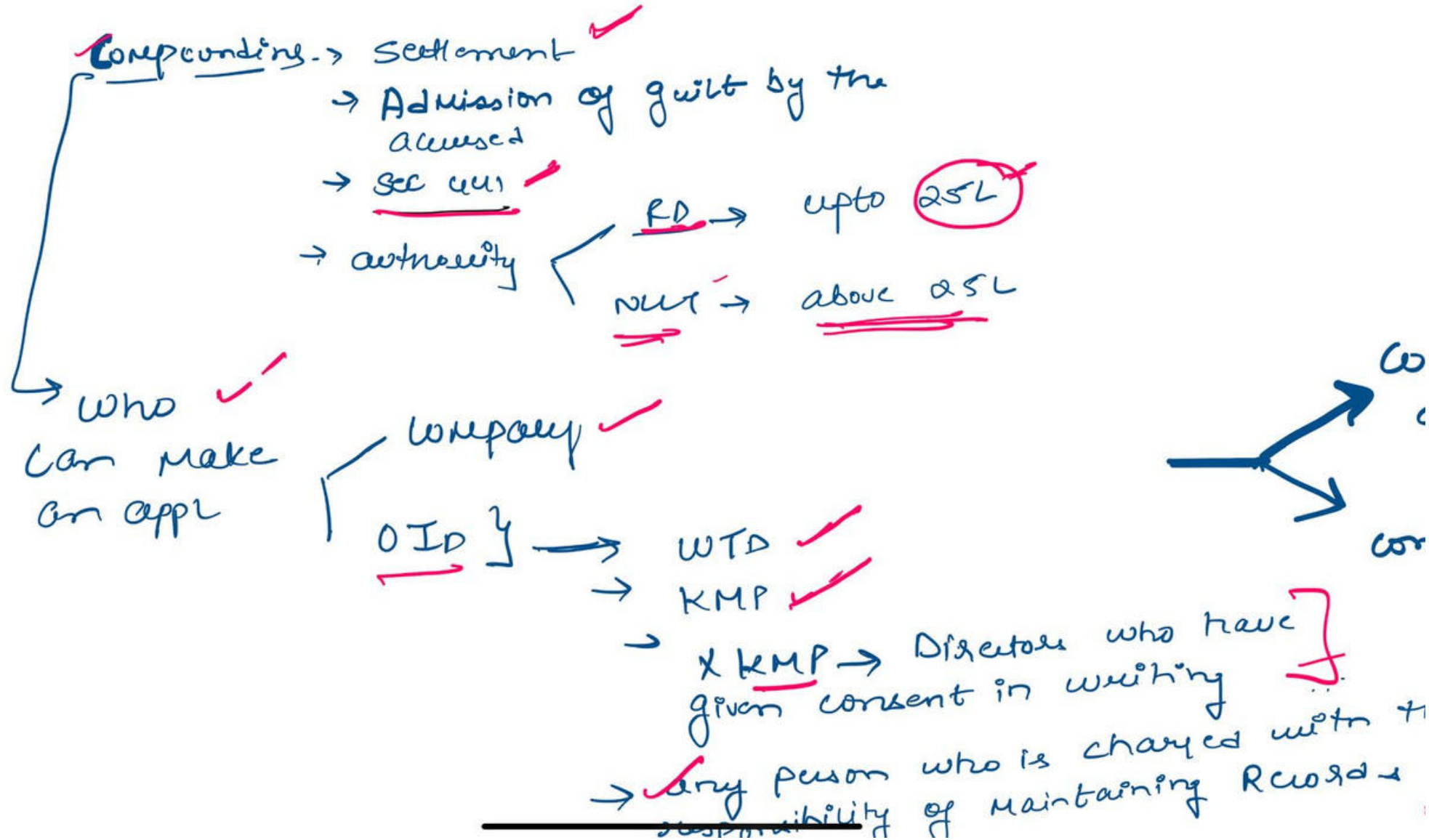
Relief & Remedies

Handwritten Notes

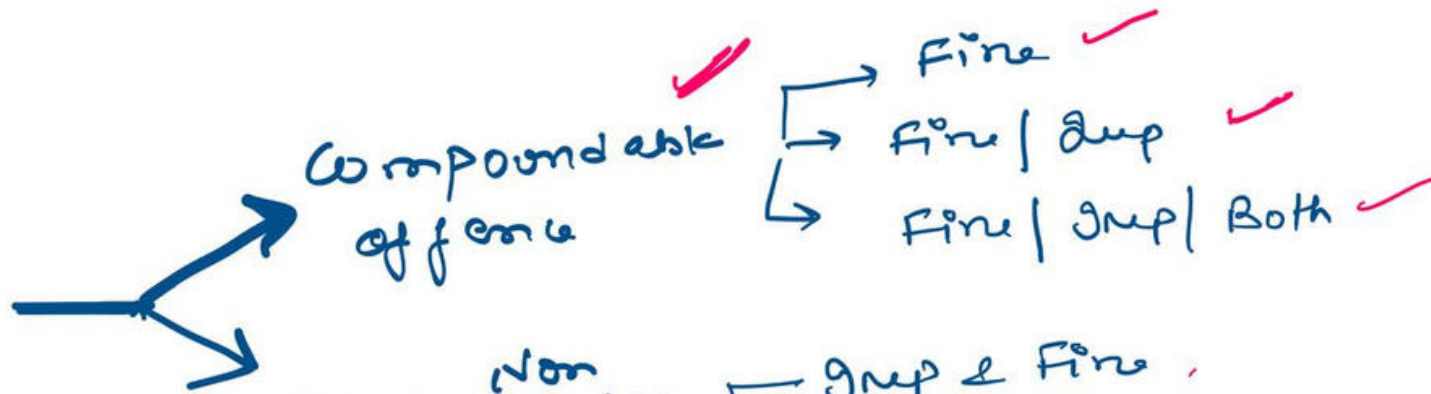


Relief & Remedies

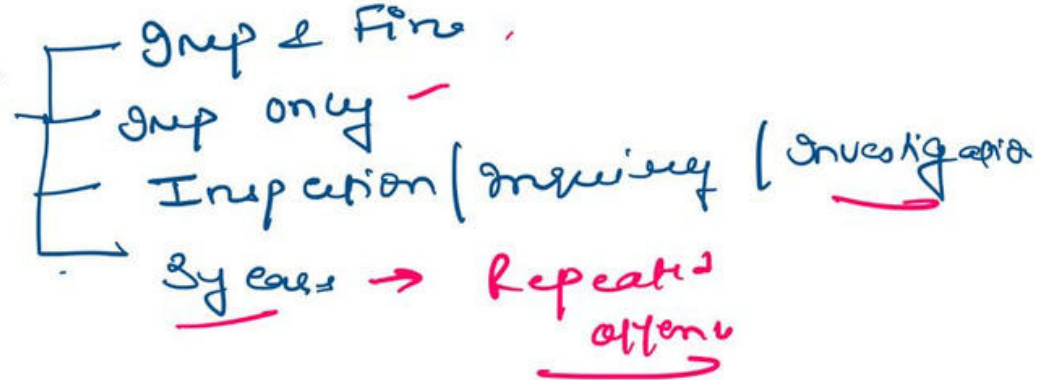
①



2



Non compoundable offence

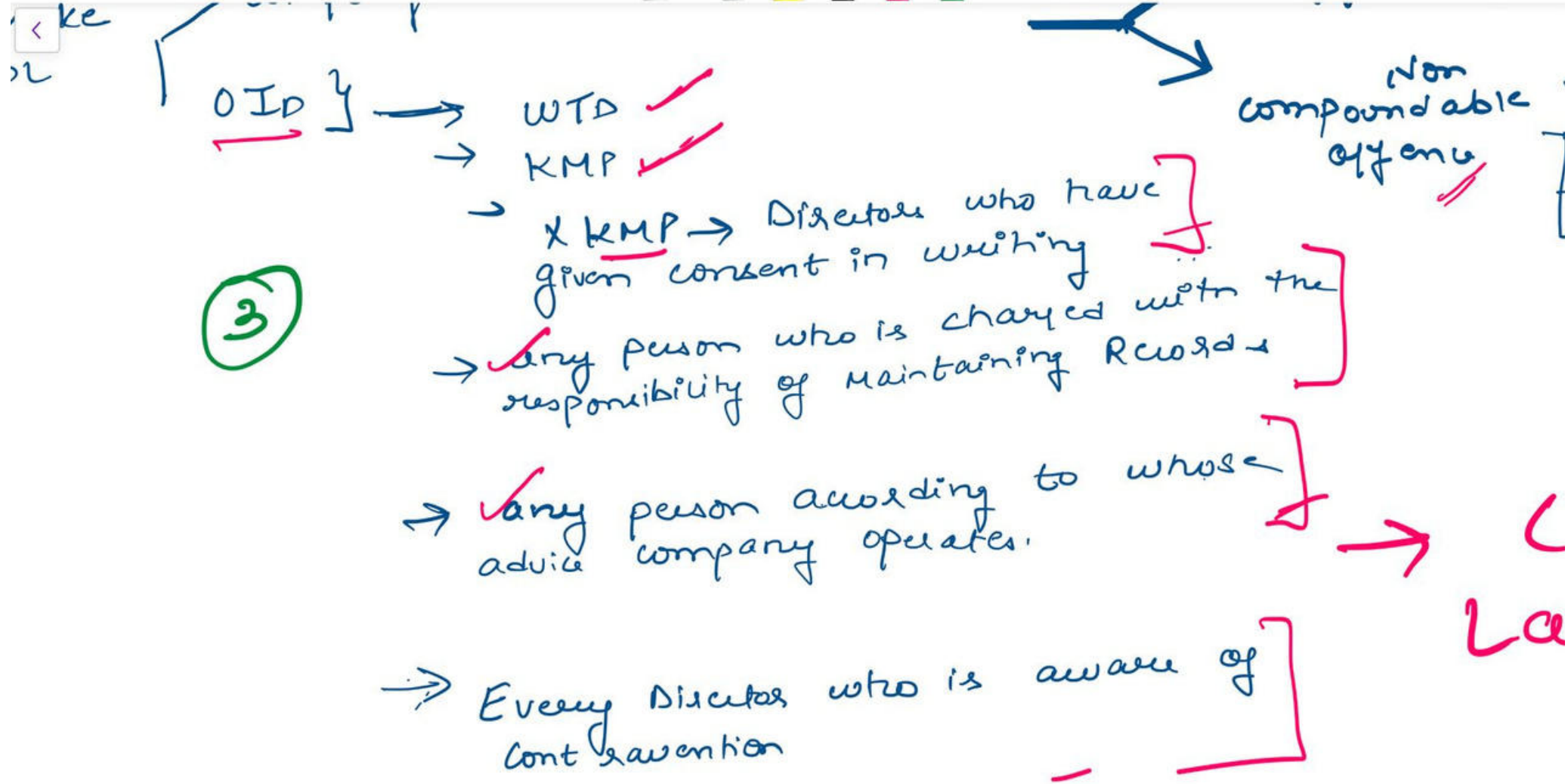


who have writing charged with the containing Records

ding to whose

copy

Cibacsit



✓ Patel Taxii Case:

< FD → upto 25L
 not → above 25L

company ✓

→ WTD ✓
 → KMP ✓

→ X KMP → Directors who have given consent in writing

→ Any person who is charged with the responsibility of maintaining Records

→ Any person according to whose advice company operates.

→ Every Director who is aware of contravention

Compoundable offence
 → Fine ✓
 → Fine / Imp ✓
 → Fine / Imp / Both ✓

Non compoundable offence
 → Imp & Fine ✓
 → Imp only ✓
 → Inspection (Inquiry) (Investigation) ✓
 → By case → Repeated offence

4

Cibersites Case

application for compounding was accepted.

Patuja Taxi Case:

① Can a Joint application of compounding be filed?

② How to calculate the limit of 25L

③ of Tribunal has power to compound contravention less than 25L

responsibility of
→ any person according to whose
advice company operates.
→ Every Director who is aware of
contravention

→ only
Law } →
(5)

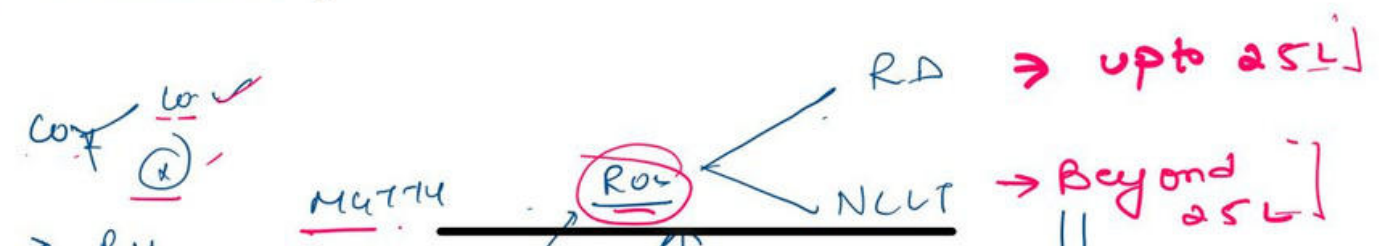
Circulars
applicati
Compounding
accepted

VJUP Patel Taxii Case:

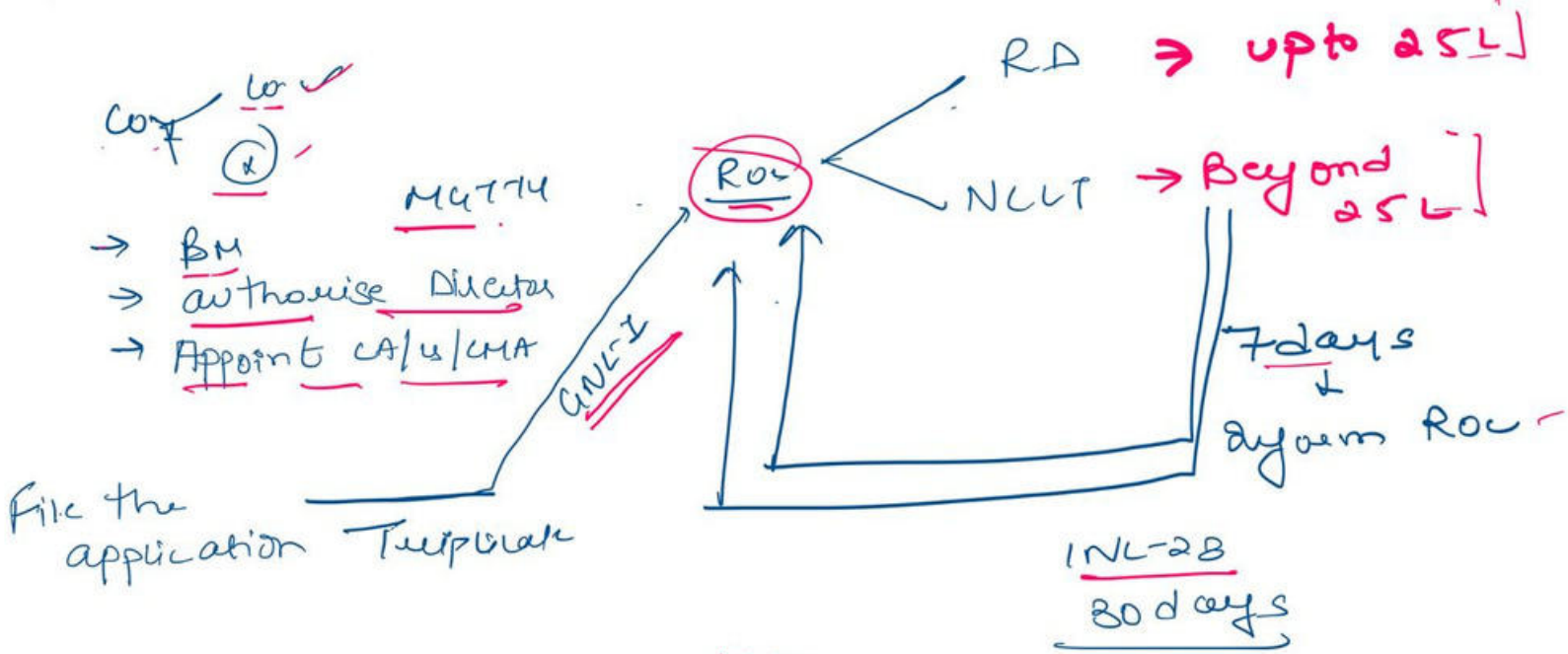
- ① Can a Joint application of
compounding be filed?
- ② How to calculate the limit of 25L

③ of Tribunal has power to compound
contravention less than 25L

Procedure for compounding



Procedure for Compounding



Compounding under SEBI Act

SAT
Court before
which proceedings
are pending

Vijay
Prakash
Gupta case

Compounding under SEBI Act

7

SAT
or

Court before
which proceedings
are pending

Vijay

Prakash
Gupta case

Settlement order / Consent order

Settle Asm / Civil Proceedings

→ To create deterrent Effect

→ Filed before initiation of
Adjudication / Prosecution

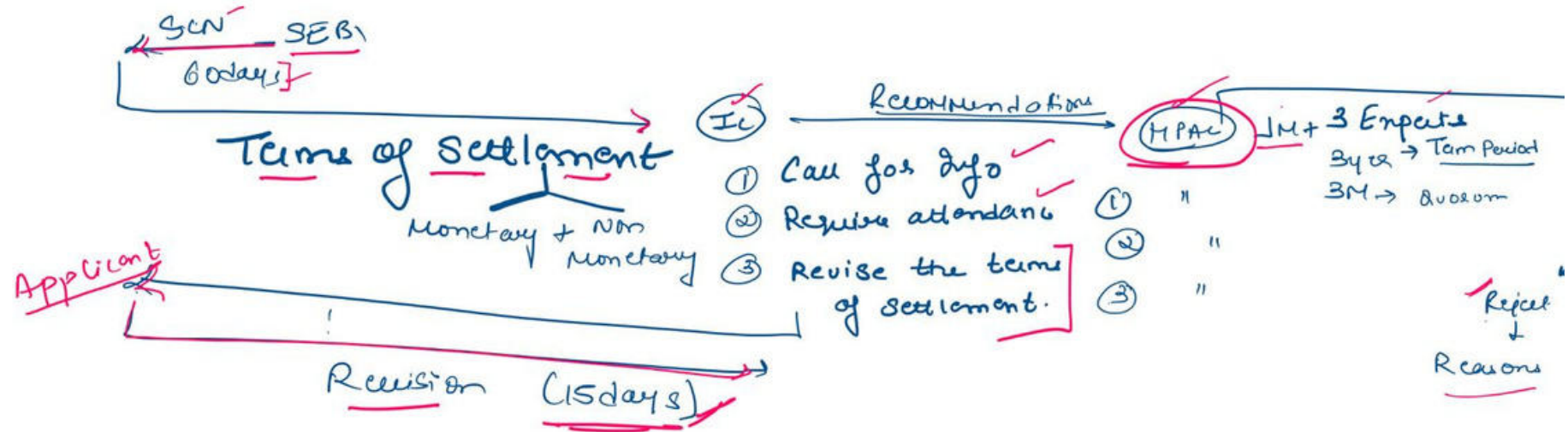
Procedure

→ IC → HPAC →

Panel of
WTM

SCN
SEBI

Procedure → IC → HPAC → Panel of WTM

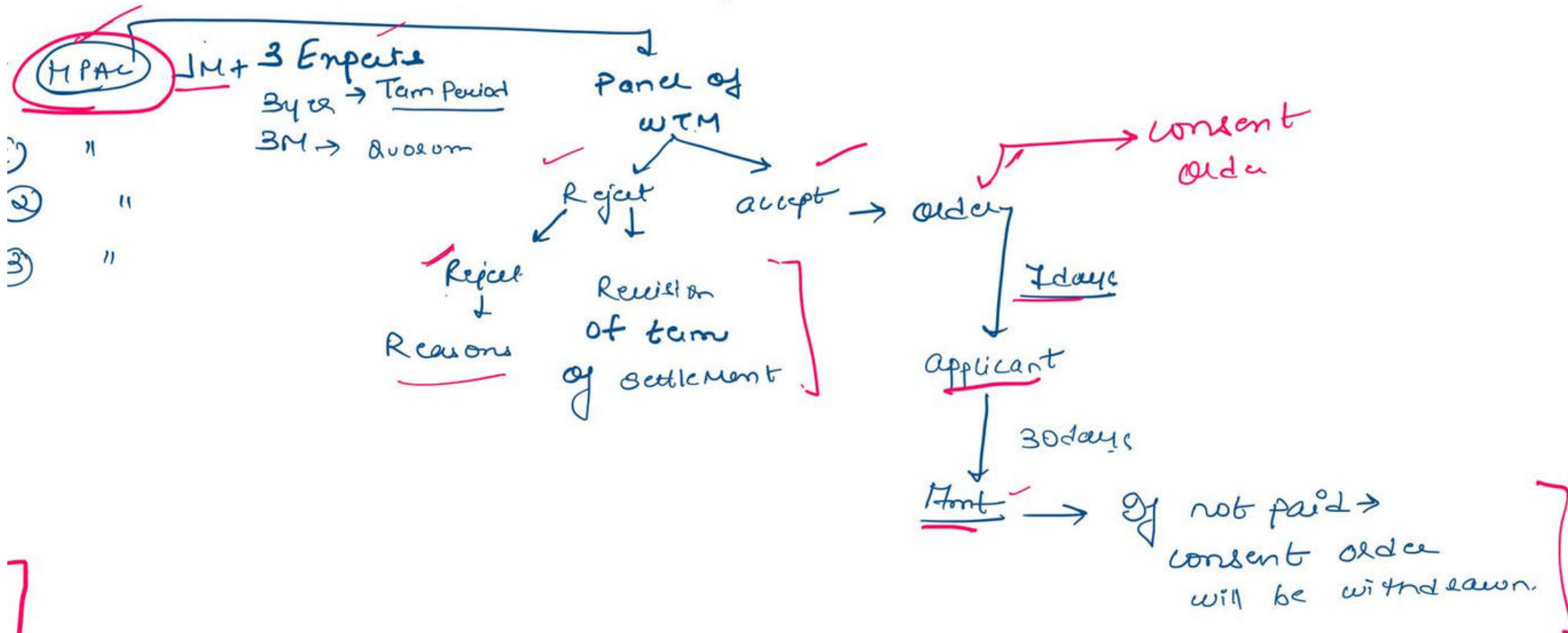


- ✓ Market wide Impact
- ✓ Application already rejected
- ✓ Inspection / Inquiry / Investigation Pending
- ✓ Fmtl → X Paid

X appl
for settlement

Withdrawal → 50% Insurance

< of (8) Appeal Court → Complaint Settlement HL Pan
 M (9)



10

~~Applicant~~

Monetary + Non Monetary
Monetary

1. ~~...~~
2. Revoke attendance
3. Revise the terms of settlement.

1 " "
2 "
3 "

Revision (15 days)

- ✓ Market wide impact
- ✓ Application already rejected
- ✓ Inspection / Inquiry / Investigation Pending
- ✓ Amt → X Paid

X appl
for settlement

Withdrawal → 50% success
+ ... of HPA

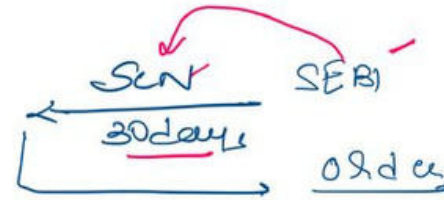
- < • Application already rejected
- ✓ • Inspection / Inquiry / Investigation Pending
- ✓ • Amt → X Paid

X appl
for Settlement

11

✓ Withdrawal → 50% Incurse
+
Permission of MPAL

Summary Settlement Procedure



- file application ✓
- Pay the Amount ✓
- comply with Terms ✓
- Rectification [Extension 15 days]

Compounding under FEMA

- Pay the Amount ✓
- comply with Terms ✓
- Rectification [Extension 15 days]

12

Compounding under FEMA

RBI

upto 10 - Asst General Manager
 10 - 40 → Deputy Manager
 40 - 100 → General Manager
 above 100 → Chief GM

ED

upto 5
 5-10
 10-50
 50-100
 above 100

→ other

Deputy Director
 Additional Director
 Special Director
 Special Director & Dy. Adviser

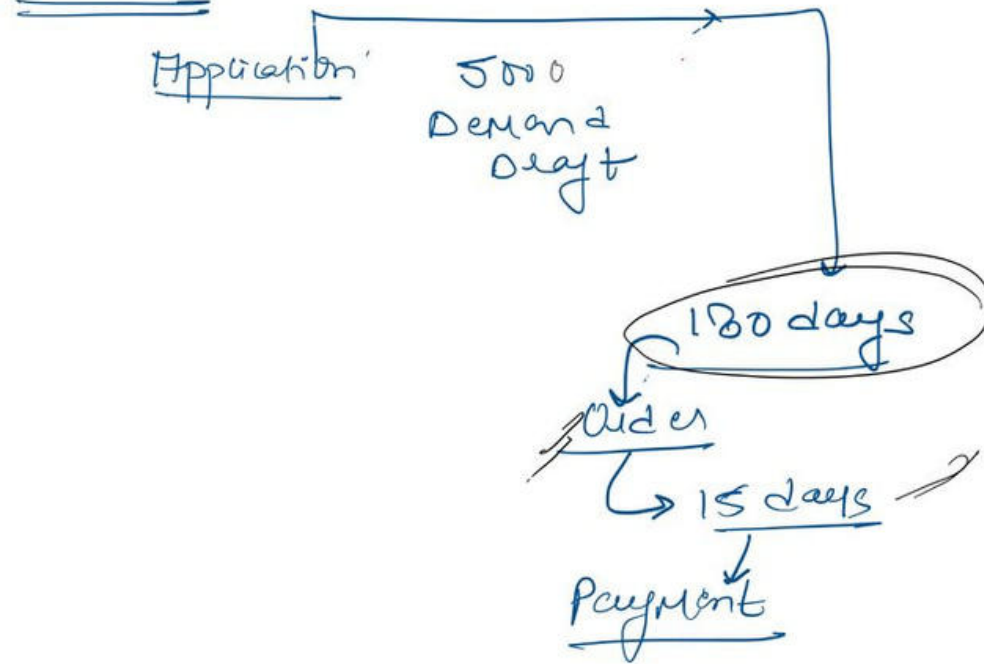
Special Director of Directorate of Enforcement.

Process

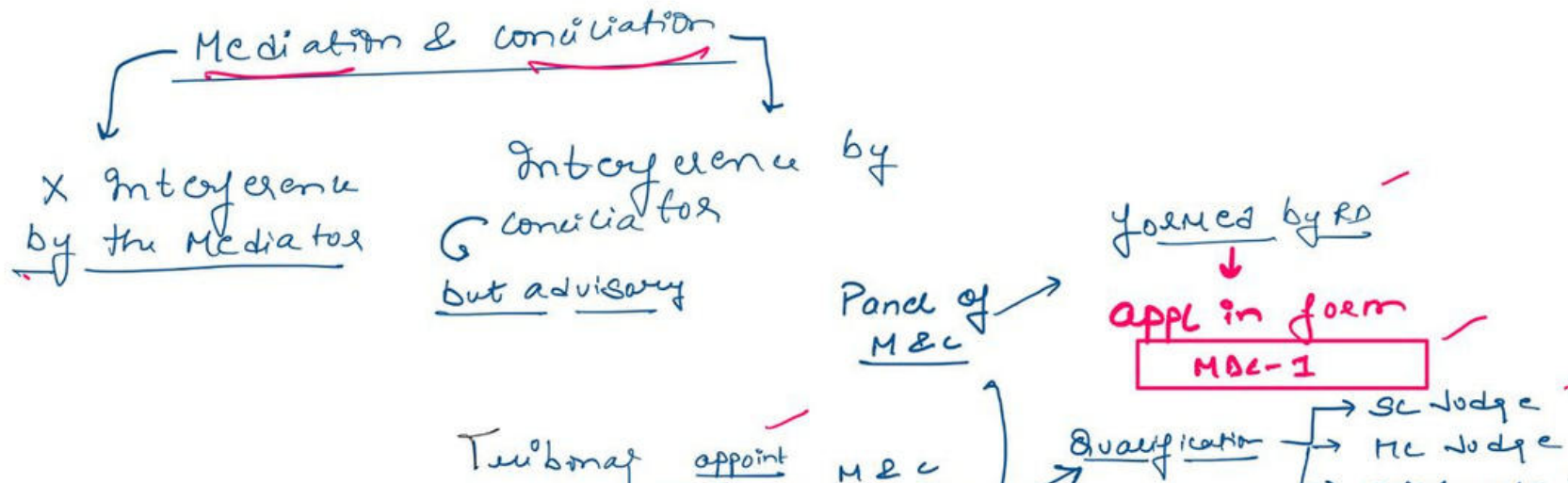
Application

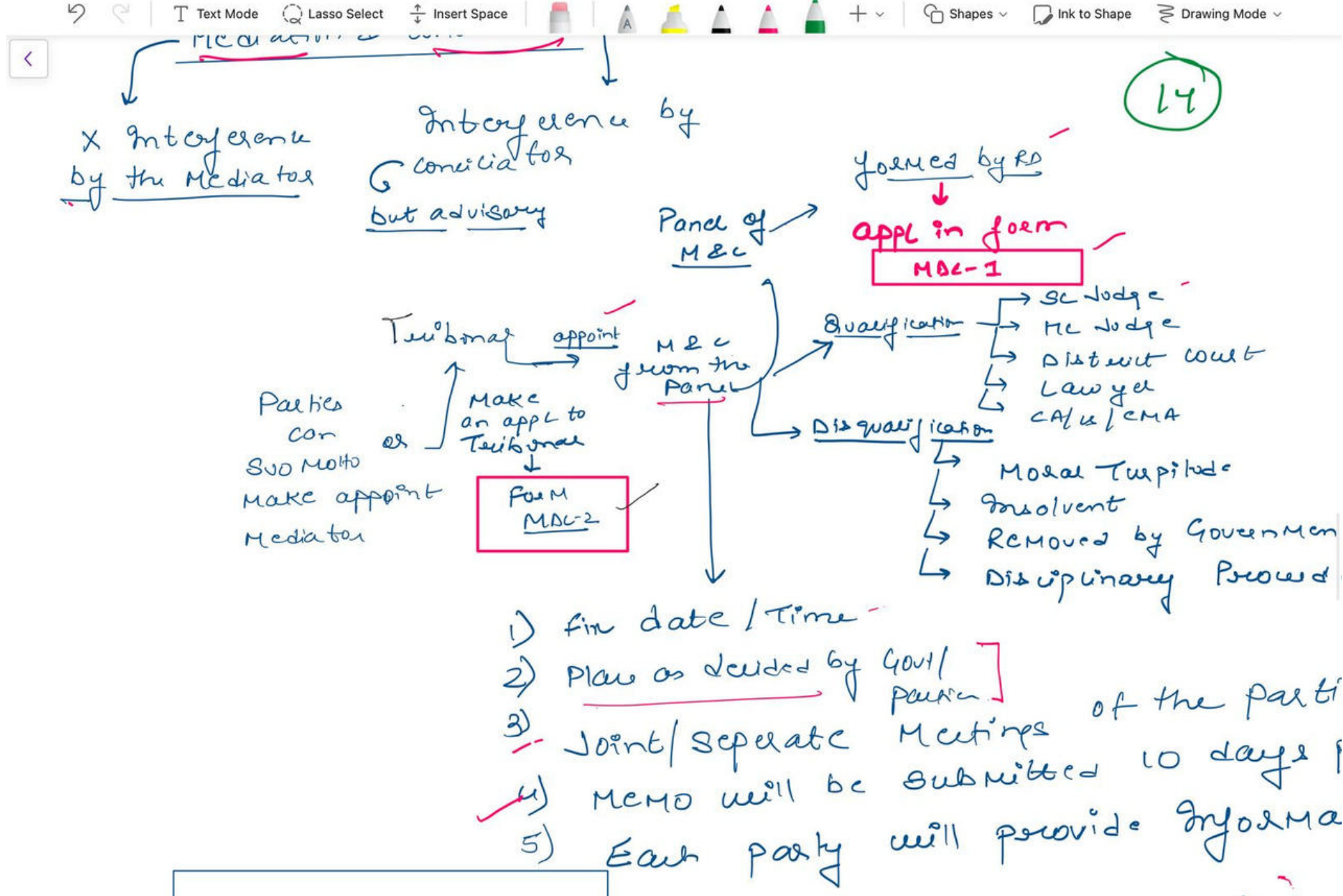
5000
 Demand
 Draft

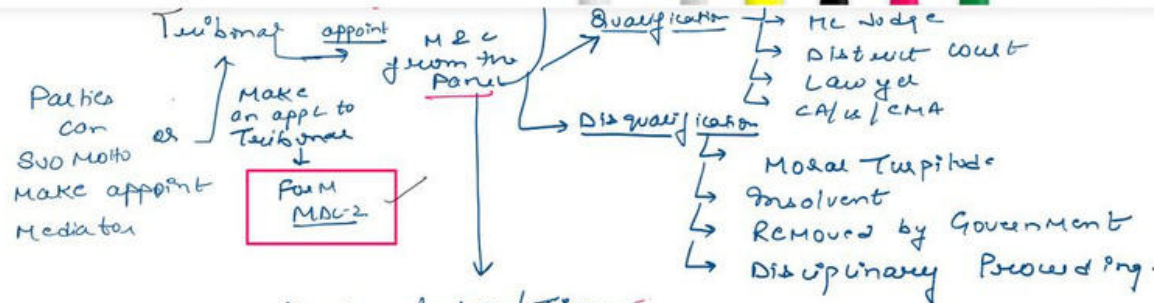
180 days

Process

(13)







15

- 1) fix date / time -
- 2) Place as decided by Govt / parties]
- 3) Joint / Separate Meetings of the parties
- 4) Memo will be submitted 10 days prior
- 5) Each party will provide information

Consequences of Non-Attendance

→ If parties don't attend the mediation / conciliation for two consecutive times → M & C will not happen

Time limit → 3M + (3M Extension)

Communication between Mediator / conciliator & Tribunal

- Mediation is not possible
- Failure of Party to attend Session
- Consent of Parties
- Settlement between Parties

in parties give on settlement

After M & C order is

Time limit $\rightarrow 3M + (3M \text{ Extension})$

Communication between
Mediator/Conciliator &
Tribunal

- two consecutive times $\rightarrow$ happen
- $\rightarrow$ Mediation is not possible
 - $\rightarrow$ Failure of party to attend session
 - $\rightarrow$ Consent of parties
 - $\rightarrow$ Settlement between parties

16

2 parties
 $\downarrow$
give on settlement
terms
 $\downarrow$
Communicated to
Mediator/Conciliator
 $\downarrow$
Settlement
order

After med order is
passed $\rightarrow$ Tribunal
will fix a date
of hearing within
14 days.

Tribunal

17

Both parties
↓
agree on settlement
terms
↓
communicated to
Mediator/Conciliator
↓
Settlement
order

After mec
passed -